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May 7, 2024

BY ECF

Honorable Mae A. D'Agostino
United States District Judge (Sitting by Designation)
U.S. Federal Courthouse
445 Broadway
Albany, New York 12207

Re: United States v. Dionisio Figueroa
Case No. 23-cr-161-MAD

Dear Judge D'Agostino:


I write to request an extension of Mr. Figueroa's self-surrender date. At sentencing on April 8, the Court permitted Mr. Figueroa to remain on release conditions, and imposed a surrender deadline of May 14, by 2:00 p.m. The Judgment requires surrender at the institution designated by the Bureau of Prisons.

To date, Mr. Figueroa has not yet received his designation from the Bureau of Prisons. I have also inquired of the U.S. Marshals Service, but they too have not been provided with any particulars on designation. Accordingly, we are respectfully requesting an extension of 45 days to permit Mr. Figueroa to receive his designation from the Bureau of Prisons and report to that facility. If the Court is not inclined to grant the extension, Mr. Figueroa would likely have to surrender to the closest BOP facility at the Metropolitan Detention Center-Brooklyn, a pre-trial administrative complex where conditions are notoriously horrendous. *See Benjamin Weiser, Judge Refuses to Send Defendant in Drug Case to Troubled Brooklyn Jail*, N.Y. TIMES, Jan. 4, 2024 (reporting Judge Furman's order than defendant convicted in drug case – with mandatory

detention – can remain on release conditions rather than have to report to MDC, given conditions and history there). Judge Furman’s opinion in that case is attached hereto as Exhibit A, and recounts some of the troubles at MDC-Brooklyn in recent years, including a lawsuit brought by the Federal Defenders of New York.

As a first-time, non-violent offender who is 67 and with 24 months or less to serve, Mr. Figueroa is likely to be placed at a minimum or low security facility where conditions are less problematic, and programming is more available. Thus, if Mr. Figueroa is forced to serve time at MDC-Brooklyn, he would do so in much harsher, more onerous conditions than likely were contemplated at the time of sentencing, and for an unknown period of time. And as reflected in Judge Furman’s order, we would have argued for a lesser sentence to account for the reality of those conditions, as have numerous defendants successfully in the last several years in the Southern and Eastern Districts of New York. We have consulted with counsel for the Government, who prefers to wait till closer to the deadline to take a position, in order to see if BOP issues the designation by then. We are unaware of any compliance or release issues since sentencing. For these reasons, we respectfully request an extension of approximately 45 days for Mr. Figueroa to surrender to the facility to which he is designated, and thank the Court for its consideration.

Respectfully submitted,



Jeremy B. Sporn

Cc: AUSA Frank Balsamello
AUSA Stephanie Simon

It is hereby ORDERED that the defendant's request for an extension of his self-surrender date is GRANTED; It is further ORDERED that the self-surrender date as to Dionisio Figueroa is extended to June 25, 2024. The defendant must surrender for service of his sentence at the institution designated by the Bureau of Prisons before 2:00 p.m. on June 25, 2024.

IT IS SO ORDERED:



Mae A. D'Agostino
U.S. District Judge

Dated: May 9, 2024
Albany, NY